

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JOANNE ANDERSON

Plaintiff,

vs.

Civil No. 05-72554
HONORABLE SEAN F. COX

JOHN E. POTTER,
POSTMASTER GENERAL OF THE
UNITED STATES,

Defendant.

STIPULATION TO AMEND THE COMPLAINT
AND THE SCHEDULING ORDER

IT IS HEREBY STIPULATED AND AGREED by the parties to requests that the Court to extend all dates in its July 21, 2006 Scheduling Order by sixty (60) days. This stipulation is based on the following events:

1. On August 22, 2006, the plaintiff filed a motion to amend the complaint in order to add new claims against the defendant that are currently pending at the administrative level.
2. The defendant does not object to the plaintiff's motion and agrees that it would be in the best interest of all parties and Justice to consolidate the plaintiff's claims into one lawsuit.
3. The United States Court of Appeals for the Sixth Circuit has indicated that "Attorneys should organize litigation that they are pursuing to avoid claim preclusion." *Mitchell v. Chapman*, 343 F.3d 811, 824 n.14 (6th Cir. 2003). The Sixth Circuit has further suggested that attorneys seek leave to amend complaints in order to add new claims, when the case involves the same party and similar issues. *Id.*
4. At least one district court judge in the Eastern District of Michigan has dismissed a

Title VII claim on the grounds of claims preclusion under similar circumstances. Counsel for the plaintiff seeks to avoid the same result in the instant case. *See Brown v. John E. Potter*, Civil No. 03-60295.

5. Plaintiff will amend the complaint to add all pending administrative EEO claims against the defendant, claims in EEOC No. 230-2005-00097X , EEOC No. 230-2005-00110X, and Agency No. 1-J-485-0002-03.

6. To the extent that plaintiff fails to include any EEO claims pending on the date of this stipulation, she forfeits her right to raise such claims in a subsequent lawsuit.

7. The parties acknowledge that the court will not grant any further extensions of time in this case.

8. Based on the foregoing, the parties respectfully requests that all dates in the scheduling order be extended for sixty days as follows.

Discovery to be completed by November 21, 2006

Dispositive Motions to be filed by December 5, 2006

Final Pretrial is scheduled for February 20, 2007 @ 3:00 p.m.

Trial is scheduled for the months of March/April, 2007

Respectfully submitted,

STEPHEN J. MURPHY
UNITED STATES ATTORNEY

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October 5, 2006

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Plaintiff,

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HONORABLE SEAN F. COX

JOHN E. POTTER,
POSTMASTER GENERAL OF THE
UNITED STATES,

Defendant.

**ORDER RE: FIRST AMENDED COMPLAINT AND
SECOND AMENDED SCHEDULING ORDER**

This cause having come before the Court pursuant to Rule 16, Fed.R.Civ.P., the Court therefore enters the following amended schedule controlling the progress of this case.

NOW THEREFORE, IT IS ORDERED that:

The Motion to Amend the Complaint is Granted.

Discovery to be completed by November 21, 2006

Dispositive Motions to be filed by December 5, 2006

Final Pretrial is scheduled for February 20, 2007 @ 3:00 p.m..

Trial is scheduled for the months of March/April, 2007

No further extensions will be granted in this case.

Dated: October 10, 2006

s/ Sean F. Cox
SEAN F. COX
UNITED STATES DISTRICT JUDGE